

Customer No.: 31561
Application No.: 10/709,894
Docket No.: 12689-US-PA

REMARKS

Present Status of the Application

Claims 1-9 remain pending of which claims 1, 6-7 and 9 have been amended to more explicitly describe the claimed invention. It is believed that no new matter adds by way of amendment to claims or otherwise to the application.

For at least the following reasons, Applicant respectfully submits that claims 1-9 are in proper condition for allowance. Reconsideration is respectfully requested.

Discussion of the claim Objections

The Office Action objected to claims 6-7 and 9 because of some minor informalities.

In response thereto, Applicants would like to thank the Examiner for pointing out the informalities and accordingly amended claims 6-7 and 9 as suggested. Reconsideration is respectfully requested.

Discussion of the claim rejection under 35 USC 102

The Office Action rejected claims 1, 2, 4, 5, 7 and 9 under 35 U.S.C. 102(b) as being anticipated by Rogers et al. (US-6,301,484, hereinafter Rogers).

Applicants respectfully disagree and traverse the above rejections by reasons as set forth below. The proposed independent claim 1, as amended, is allowable over Rogers for at least the reason that Rogers substantially fails to teach, suggest or disclose every features of the claimed invention. More specifically, Rogers substantially fails to

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teach or disclose a method of remotely managing a mobile communication device comprising at least the steps of *[sending said application program to said mobile communication device; and running said application program on said mobile communication device to allow tracing of a position of said mobile communication device]* as required by the proposed amended independent claim 1. The advantage of the above features is that at least if the mobile communication device is misplaced or lost, its position can be effectively traced and found.

Instead, Rogers substantially teaches that the multitude of messaging features available on any particular wireless communication system presents problems to the service provider because service provider may not choose to initially enable all features and may also choose to implement new features as they are developed. Subscriber units are initialized with features matching those offered by the service provider even though the phone may be capable of supporting additional features. Unfortunately, when the service provider activates new features, the phone must be manually updated to activate the additional feature. The manual update is either performed by requiring the user to return the subscriber unit to the service provider for update or by instructing the user to activate the feature through a series of keypad entries. Requiring the user to return the subscriber unit to the service provider for update is extremely inconvenient to the user and may result in many phones not having the feature activated. Similar problems exist when requiring the user to activate the feature through keypad entries. In order to overcome the above problems, Rogers substantially teaches or discloses a method of controlling the phone features by using SMS message constructed feature control

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messages using a predetermined format. According to this method, an SMS message is designated a feature control message if it begins with a predetermined start of message delimiter. Once the phone has determined that a start of message delimiter has been received, the phone enters an SMS feature control routine. Successive predetermined data fields within the SMS message are parsed to provide the specific feature control information. The successive data fields are each delimited with another predetermined character or set of characters. The separate data fields provide information including applicable phone model the control instruction is directed towards, minimum software version required of the phone, predetermined feature code, and specific mode information is required to support the feature code. Each of the data fields may be encrypted in order to provide a level of security to the feature message. In this way, the service provider utilizes an existing communication method to control the availability of features within user phones to greatly simplify the process of updating all available phones and is least intrusive to the phone user (col. 3, line 58 to col. 4, line 48).

Thus, it is clear that Rogers fails to teach, suggest or disclose a method of remotely managing a mobile communication device comprising at least the steps of *[sending said application program to said mobile communication device; and running said application program on said mobile communication device to allow tracing of a position of said mobile communication device]* as required by the amended proposed independent claim 1, instead Rogers substantially teaches or discloses a method of utilizing an existing communication method to control the availability of features within

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user phones.

Thus, Rogers substantially fails to teach or disclose a method of tracing the position of the (misplaced or lost) mobile communication device to which the amended proposed claim 1 of the claimed invention is directed, and therefore, Rogers possibly anticipate the proposed amended claim 1 in this regard. Therefore, for at least the above reasons, the amended proposed independent claim 1 patently defines over Rogers.

Claims 2, 4, 5, 7 and 9, which directly or indirectly depend from the independent Claim 1, are also patentable over Rogers at least because of their dependency from the allowable base claim.

For at least the foregoing reasons, Applicants respectfully submit that claims 1, 2, 4, 5, 7 and 9 patently define over Rogers. Reconsideration and withdrawal of above rejections is respectfully requested.

Discussion of the claim rejection under 35 USC 103

1. *The Office Action rejected claims 3 and 8 under 35 U.S.C. 103(a) as being unpatentable over Kim et al. (US-6,810,262, hereinafter Kim).*

Applicants respectfully disagree and would like to point out that because like Rogers, Kim also merely teaches or discloses a method of transmitting and receiving SMS messages, and Kim (and Rogers) fails to teach, suggest or disclose any method for tracing the position of the (misplaced or lost) mobile communication device, therefore, Kim cannot possibly cure the specific deficiencies of Rogers for at least the reasons as substantially discussed above. Accordingly, Applicants respectfully submit that Kim and Rogers, neither alone nor in combination, could possibly render every features of the

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claimed invention as a whole. Thus, claims 3 and 8, which directly or indirectly depend from the amended proposed independent claim 1, also patentably define over Kim (and Rogers) for at least the same reasons discussed above. Reconsideration and withdrawal of these rejections is respectfully requested.

2. The Office Action rejected claim 6 under 35 U.S.C. 103(a) as being unpatentable over Rogers in view of what was well known in the art.

Applicants respectfully disagree and would like to point out that the well known Java 2 Micro Edition still cannot cure the specific deficiencies of Rogers for at least the reasons as substantially discussed above, and therefore claim 6, which indirectly depend from the amended proposed independent claim 1, also patentably define over Rogers for at least the same reasons discussed above. Reconsideration and withdrawal of these rejections is respectfully requested.

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CONCLUSION

For at least the foregoing reasons, it is believed that all pending claims 1-9 are in proper condition for allowance. If the Examiner believes that a conference would be of value in expediting the prosecution of this application, he is cordially invited to telephone the undersigned counsel to arrange for such a conference.

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Respectfully submitted,


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